

## **REMARKS/ARGUMENTS**

### **I. Rejections under 37 CFR 1.75(C)**

Examiner has objected to claim 21 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 21 has been cancelled.

### **II. Rejections under 35 U.S.C. §112**

Claims 75 and 87 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 75 and 87 have been amended to depend from claims 67 and 79 respectively. Applicants respectfully submit that objections and rejections under 37 CFR 1.75C and 35 U.S.C. 112 have been traversed.

### **IV. Rejections under 35 U.S.C. §103(a)**

Claims 1-3, 5-7, 14-21, 31, 32, 34-37, 52-54, 64-66 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gartley et al. (U.S. Patent 6,248,266; issued June 19, 2001).

Gartley et al. discloses “an ionized, or charged, colored material is also introduced to the mold assembly, prior to fully assembling the mold assembly. . . .The colored material is either in admixture with the lens-forming monomer mixture, or the colored material may be introduced to the mold section before or after the lens-forming monomer mixture is deposited therein.” Column 2, lines 30-36. Unlike Gartley et al. the present claims 1, 14 and 31 recite “coating a molding surface of a mold or a mold half”.

Gartley, et al. also discloses that

“the colored material is ionic, or charged, so that it migrates in response to the applied electrical field. Representative charged colored materials include pigments, having the form of solid particles, and dyes. The pigment or dye maybe premixed with the lens forming monomers for simultaneous introduction into the mold. Alternatively, the pigment or dye may be introduced separately to the mold, and if desired, an inert liquid diluent may be mixed with the pigment or dye.” Column 3, lines 53-61.

Thus Gartley et al. discloses ionic pigments and dyes which may be premixed with monomers or inert diluents. There is absolutely no disclosure or suggestion in Gartley, et al. that the colored material contain a high molecular weight material of any kind.

Examiner has stated that “the term ‘high molecular weight coating’ is open to broad interpretation” Page 4, office action. Applicants respectfully disagree. “High molecular weight” is clearly defined on page 3, lines 14-16 as “an average molecular weight (“Mw”) sufficiently high so as to avoid dissolution of the coating into the monomer mixture used.” Gartley et al. is silent as to the molecular weight of the pigments, but clearly discloses that “the colored material is ionic, or charged, so that it migrates in response to the applied electrical field.” Column 3, lines 53- 55. Unlike Gartley et al, which includes processing to encourage the migration of the pigments into the lens material, present claims 1 and 14 include “a dwell time of less than about 5 minutes” to prevent the solubilization of the coating into the selected monomer mix. See the present specification, page 16, lines 30-31.

Accordingly, Gartley et al., fails to disclose or suggest the invention recited in claims and specifically coating high molecular weight coating compositions onto mold surfaces, and maintaining the dwell time below about 5 minutes (in claims 1 and 14) and below about 45 seconds (in claim 31). Applicants respectfully submit that rejection of claims 1, 14 and 31 is based upon Gartley et al. has been traversed.

Examiner further rejected claims 2-3, 5-7, 14-21, 31,32, 34-37, 52-54, 64-66 and 76-78 as obvious in view of Gartley, et al. Claims 2-3, 5-7 and 52-54 depend from claim 1, and are patentable over Gartley, et al. for the reasons discussed above. Claims 5-7 are further patentable over Gartley et al. as they disclose further elements (molecular weight of 300 kD, and dwell times of less than about 45 seconds, respectively) that are not disclosed or suggested in Gartley et al.

Claims 15-21 and 64-66 depend, directly or indirectly from claim 14, and are patentable over Gartley et al. for the same reasons as claim 14, and for the following reasons:

Gartley, et al. does not disclose or suggest the dwell time (less than about 45 seconds) recited in claim 18.

Gartley, et al. does not disclose or suggest the silicone hydrogel monomer mixture recited in claims 19 or 20.

Gartley, et al. does not disclose or suggest the high molecular weight coating compositions recited in claim 21.

Gartley, et al. does not disclose or suggest any coating compositions as recited in the present application, let alone those having the viscosities recited in claims 64-66.

Claims 32, 34-37 and 76-78 depend, directly or indirectly from claim 31, and are and are patentable over Gartley et al. for the same reasons as claim 31.

Gartley, et al. does not disclose or suggest the silicone hydrogel monomer mixture recited in claims 34 or 35.

Gartley, et al. does not disclose or suggest the high molecular weight coating compositions recited in claim 36 or 37.

Gartley, et al. does not disclose or suggest any coating compositions as recited in the present application, let alone those having the viscosities recited in claims 76-78.

Applicants respectfully submit that the rejection based upon Gartley et al. has been traversed.

Examiner has further rejected claims 1-3, 5-11, 14-21, 23-26, 31, 32, 34-41, and 52-87 under 35 U.S.C. 103(a) as being unpatentable over Muir et al. (WO 00/04078; published January 27, 2000). All references to Muir et al. are to the US counterpart, US 6,893,595. Muir et al. discloses “coating a mold with a reactive polymer, a liquid curable composition is filled in to the mold and cured under conditions such that the reactive polymer becomes covalently bonded to the cure bulk mold material at the interface.” Muir et al. abstract. Muir et al. does not disclose that the *polymers* which are recited in amended claim 1, and claims 14 and 21 could be used in a coating solution. Instead, Muir et al. discloses in Example 15, column 31, lines 40-43, that HEMA, a **monomer**, may be included in the coating solution. In fact, the title of the Example, is “Monomer in Coating Solution”. Accordingly there is nothing in Muir et al. which would suggest that the polymers recited in amended claim 1 and claims 14 and 21 should be used in a coating composition.

As acknowledged by Examiner, Muir et al. does not disclose a dwell time of less than about 5 minutes or less than about 45 seconds. The specification of the present invention clearly states that “contact angle is dependent on dwell time, times of less than 2.5 minutes produce the most wettable lenses.” Page 28, lines 19-20. Applicants submit that the claims 1, 14 and 21 are patentable over Muir et al. because Muir et al. fails to teach or suggest coating compositions comprising the recited polymers and the recited dwell times.

The remaining claims depend from claims 1, 14 and 21, and are patentable over Muir et al. for the reasons stated above.

Claims 1-3, 5-7, 31, 32, 34-37, 52-54, and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanderlaan et al. (U.S. Patent 6,087,415; issued July 11, 2000).

Vanderlaan et al. d

(c)

**V. Conclusions**

Applicants respectfully submit that the foregoing arguments and amendments have traversed the Examiner's rejections. Withdrawal of the rejections and allowance of the claims as amended is respectfully requested.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (904) 443-3074.

Respectfully submitted,

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